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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,233	10/22/2001	Afshin Abtin	34647-00435USPT	7869

38065 7590 11/02/2004

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EXAMINER	
LE, DANH C	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/038,233	ABTIN ET AL.
	Examiner	Art Unit
	DANH C LE	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/2201*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 4/9/02. The Examiner accepts these drawings.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/20/02 has been considered by the examiner and made of record in the application file.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 21, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nykanen (US 6,594,483).**

As to claim 1, Nykanen teaches a method for positioning of a user on the mobile Internet (figure 5 and col.10, line 18-col.11, line 10), comprising the steps of:

receiving a request to position the user using a location based service (5-43);

accessing a location privacy proxy (5-35) to determine if the location based service may position the user; and

positioning (5-33) the user based on the determination made by the location privacy proxy.

As to claim 2, Nykanen teaches the method of Claim 1, wherein the request is received from a mobile portal (col.12, line 43-col.13, line 14).

As to claim 3, Nykanen teaches the method of Claim 1, wherein the request is received from a WAP gateway (col.12, line 43-col.13, line 14).

As to claim 4, Nykanen teaches the method of Claim 1, wherein the request is received from a positioning server (col.12, line 43-col.13, line 14).

As to claim 21, Nykanen teaches a location privacy proxy (figure 5 and col.10, line 18-col.11, line 10), comprising:

a first interface (5-45) for receiving positioning requests for a user;

a second interface (5-47, 5-41) for accessing location based services;

a third interface (5-33, 5-21) for accessing a positioning server; and

control logic (5-35, 5-37) configured to:

receive a request to position the user using a location based service (col.10, lines 18-43);

determine if the application may position the user (col.10, lines 18-43); and

position the user based on the determination made by the location privacy proxy using the positioning server (col.10, lines 18-43).

As to claim 26, Nykanen teaches a location privacy proxy (figure 5 and col.10, line 18-col.11, line 10), comprising:

a first means (5-45) for receiving positioning requests for a user;

a second means (5-47, 5-41) for accessing location based services:

a third means for accessing a positioning server (5-33, 5-21); and

control means (5-35, 5-37) for receiving a request to position the user using a location based service; accessing a location privacy proxy to determine if the location based service may position the user, and positioning the user based on the determination made by the location privacy proxy using the positioning server (col.10, lines 18-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 5, 6, 9-12, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen in view of Walsh (US 6, 662,014).**

As to claim 5, Nykanen teaches the method of Claim 1, wherein the step of accessing further comprises the steps of:

the location based service positioned the user depend on the user manually authorizes positioning by the location based service (col.10, lines 45-63, the user could control his privacy settings remotely) and storing an indication of whether the location based service is authorized to position the user (col.10, lines 26-44).

Nykanen fails to teach determining if the location based service has and/or has not previously positioned the user. Walsh teaches determining if the location based service has and/or has not previously positioned the user (figure 6, 510). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Nykanen in order to enhance system performance of the locations based web services which increases privacy and security control during the operation of the wireless communication device as Walsh suggested (col.6, lines 25-34).

As to claim 6, Nykanen teaches the method of Claim 1, wherein the step of accessing further comprises the steps of:

the location based service has positioned the user by accessing a user profile to determine if the user may be positioned based on the user manually authorizes the positioning (col.10, lines 45-63, the user could control his privacy settings remotely).

Nykanen fails to teaches determining if the location based service has previously positioned the user. Walsh teaches determining if the location based service has previously positioned the user (figure 6, 510). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Nykanen in order to enhance system performance of the locations based web services which increases privacy and security control during the operation of the wireless communication device as Walsh suggested (col.6, lines 25-34).

As to claim 9, Nykanen teaches a method for controlling positioning of a user on the mobile Internet (figure 5, and col.10, line 18-col.11, line 10), comprising the steps of:

receiving a request to position the user (5-43) using a location based service;

using a location privacy proxy (5-35);

accessing a user profile (5-37) to determine if the user may be positioned;

the location based service has positioned the user, based on the user manually authorizes positioning by the location based service (col.10, lines 26-63);

storing an indication of whether the location based service is authorized to position the user (col.10, lines 26-63); and

positioning the user based on the determination made by at least one of the location privacy proxy or manual authorization by the user (col.10, lines 26-63).

Nykanen fails to teach determining if the location based service has and/or has not previously positioned the user. Walsh teaches determining if the location based service has and/or has not previously positioned the user (figure 6, 510). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Nykanen in order to enhance system performance of the locations based web services which increases privacy and

security control during the operation of the wireless communication device as Walsh suggested (col.6, lines 25-34).

As to claim 10, Nykanen teaches the method of Claim 9, wherein the request is received from a mobile portal (col.12, line 43-col.13, line 14).

As to claim 11, Nykanen teaches the method of Claim 9, wherein the request is received from a WAP gateway (col.12, line 43-col.13, line 14).

As to claim 12, Nykanen teaches the method of Claim 9, wherein the request is received from a positioning server (col.12, line 43-col.13, line 14).

As to claim 22, the limitation of the claim is the same limitation of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 23, the limitation of the claim is the same limitation of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

8. **Claims 7, 8, 15-18, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen in view of Yeung (US 2003/0074456).**

As to claim 7, Nykanen teaches the method of Claim 1, Nykanen fails to teach the steps of generating a unique ID within the location privacy proxy for a request from an un-trusted application, and associating the unique ID with the MSISDN of the user being positioned. Yeung teaches the steps of generating a unique ID within the location privacy proxy for a request from an un-trusted application, and associating the unique ID with the MSISDN of the user being positioned (paragraph 0005 and paragraph 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the teaching of Yeung into the system of Nykanen in order to protect profile information as Yeung suggested (paragraph 0005).

As to claim 8, the combination of Nykanen and Yeung further teaches the method of Claim 7, wherein the step of positioning further comprises the steps of attaching the unique ID of the user to a positioning request prior to positioning the user (Yeung, paragraph 005). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yeung into the system of Nykanen in order to protect profile information as Yeung suggested (paragraph 0005).

As to claim 15, Nykanen teaches a method for controlling positioning of a user on the mobile internet (figure 5 and col.10, line 18-col.11, line 10), comprising the steps of:

receiving a request to position the user using a location based service (5-43);

accessing a location privacy proxy (5-35) to determine if the location based service may position the user; and

positioning the user based on the determination made by the location privacy proxy (5-37).

Nykanen fails to teach associating the unique ID with the MSISDN of the user making the request, generating a unique ID within the location privacy proxy for a request from an untrusted application and attaching the unique ID of the user to a positioning request prior to positioning the user. Yeung teaches associating the unique ID with the MSISDN of the user making the request, generating a unique ID within the

location privacy proxy for a request from an untrusted application and attaching the unique ID of the user to a positioning request prior to positioning the user (paragraph 0005 and paragraph 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yeung into the system of Nykanen in order to protect profile information as Yeung suggested (paragraph 0005).

As to claim 16, Nykanen teaches the method of Claim 15, wherein the request is received from a mobile portal (col.12, line 43-col.13, line 14).

As to claim 17, Nykanen teaches the method of Claim 15, wherein the request is received from a WAP gateway (col.12, line 43-col.13, line 14).

As to claim 18, Nykanen teaches the method of Claim 15, wherein the request is received from a positioning server (col.12, line 43-col.13, line 14).

As to claim 24, the limitation of the claim is the same limitation of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 25, the limitation of the claim is the same limitation of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen and Walsh in view of Yeung (US 2003/0074456).

As to claim 13, the combination of Nykanen and Walsh teaches the method of Claim 9, the combination of Nykanen and Walsh fails to teach the steps of generating a unique ID within the location privacy proxy for a request from an un-trusted application, and associating the unique ID with the MSISDN of the user being positioned. Yeung

teaches the steps of generating a unique ID within the location privacy proxy for a request from an un-trusted application, and associating the unique ID with the MSISDN of the user being positioned (paragraph 0005 and paragraph 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yeung into the system of Nykanen and Walsh in order to protect profile information as Yeung suggested (paragraph 0005).

As to claim 14, the combination of Nykanen, Walsh and Yeung further teaches the method of Claim 13, wherein the step of positioning further comprises the steps of attaching the unique ID of the user to a positioning request prior to positioning the user (Yeung, paragraph 005). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yeung into the system of Nykanen and Walsh in order to protect profile information as Yeung suggested (paragraph 0005).

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen and Yeung in view of Walsh (US 6, 662,014).

As to claim 19, the combination of Nykanen and Yeung teaches the method of Claim 15, wherein the step of accessing further comprises the steps of:

the location based service positioned the user depend on the user manually authorizes positioning by the location based service (Nykanen, col.10, lines 45-63, the user could control his privacy settings remotely) and storing an indication of whether the location based service is authorized to position the user (Nykanen, col.10, lines 26-44).

The combination of Nykanen and Yeung fails to teach determining if the location based service has/has not previously positioned the user. Walsh teaches determining if the location based service has/has not previously positioned the user (figure 6, 510). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Nykanen and Yeung in order to enhance system performance of the locations based web services which increases privacy and security control during the operation of the wireless communication device as Walsh suggested (col.6, lines 25-34).

As to claim 20, the combination of Nykanen and Yeung teaches teaches the method of Claim 15, wherein the step of accessing further comprises the steps of:

the location based service has positioned the user by accessing a user profile to determine if the user may be positioned based on the user manually authorizes the positioning (Nykanen, col.10, lines 45-63, the user could control his privacy settings remotely).

The combination of Nykanen and Yeung teaches fails to teaches determining if the location based service has previously positioned the user. Walsh teaches determining if the location based service has previously positioned the user (figure 6, 510). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Nykanen and Yeung in order to enhance system performance of the locations based web services which increases privacy and security control during the operation of the wireless communication device as Walsh suggested (col.6, lines 25-34).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Dyer (US 2002/0173318 teaches an apparatus and associated method, for controlling access to positional information of a mobile station.

B. Yiu (US 2003/0181205) teaches method and apparatus for dynamically controlling release of private information over a network from a wireless device.

C. Peled et al (US 2002/0016831) teaches an apparatus and method for locating of an internet user.

D. Portman et al (US 2002/0160766) teaches location based services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 29. 2004

DANH CONG LE
PATENT EXAMINER